CHAPTER XIV
ANIMALS, BIRDS AND FOWL

14.001 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply in the interpretation and enforcement of this Chapter.

A. Animal. The term "animal" shall apply to any living thing that is not human or a plant, and generally capable of voluntary motion or sensation.

B. Bitten. The term "bitten" shall mean seizure of any portion of a human being or another animal's anatomy by the teeth or jaws of an animal or contact of saliva from an animal with any break or abrasion of the skin of another animal or person.

C. Cat. The term "cat" shall apply to any feline animal, male or female, sexed or neutered.

D. Dog. The term "dog" shall apply to any canine animal, male or female, sexed or neutered.

E. Own. The term "own", unless otherwise specified, shall be deemed to mean keep, harbor, or have control, charge or custody of an animal, or permit to be kept, harbored or fed upon or within premises owned, leased, rented or occupied by a person and does not require actual legal title or right to the animal.

F. Owner. The term "owner" shall mean any person keeping, harboring or having charge or control of, or permitting any animal to habitually be or remain on, or be lodged or fed within buildings or land owned, leased, used or occupied by such person, irrespective of whether such person has legal title or claim to the animal. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others.

G. Person. The term "person" shall mean any natural person, partnership or corporation.

H. Scratched. The term "scratched" shall mean the scraping or clawing of any portion of another animal or a human being's anatomy by an animal.

I. Veterinarian. The term "veterinarian" shall mean a natural person duly licensed to practice veterinary medicine in the State of Wisconsin and possessing a doctor's degree in veterinary medicine.

14.01 DOGS AND CATS

A.1. Dog License Tax. Every person who owns, harbors or keeps a dog within the limits of the City of Kenosha, which is more than five (5) months of age on January 1 of any year or which becomes five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay to the City Clerk his/her dog license tax and obtain a license.

2. Collar Tag. Following issuance of a license, the City Clerk shall deliver to the owner a tag bearing the same serial number as designated on the license, the name of the County in which license was issued, and the license year. The owner shall securely attach the tag to a collar which shall be kept on the licensed dog at all times. This requirement to wear a tag and collar does not apply to a dog during competition or training, a dog securely confined indoors, or to a dog while hunting.

3. Fee. For the license term commencing January 1, 2003, the dog license tax shall be Four ($4.00) Dollars for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and Ten ($10.00) Dollars for an unneutered male dog or unspayed female dog, or one-half (1/2) of these amounts if the dog became five (5) months of age after July 1 of the license year. Effective January 1, 2010 the dog license tax shall be Ten ($10.00) Dollars for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and Twenty-Five ($25.00) Dollars for an unneutered male dog or unspayed female dog, or one-half (1/2) of these amounts if the dog became five (5) months of age after July 1 of the license year.

4. Late Fee. A late fee of Five ($5.00) Dollars shall be paid to the City Clerk by every owner of a dog five (5) months of age or over, if the owner failed to obtain a license prior to April 1st of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

B.1. Cat License Required for Cats. Every person who owns, harbors or keeps a cat within the limits of the City of Kenosha, which is more than five (5) months of age, shall, on or before the date the cat becomes five (5) months of age, pay to the City Clerk his/her cat license fee and obtain a license.

2. Collar Tag or Computer Microchip. Following issuance of a license, the City Clerk shall deliver to the owner a tag bearing the same serial number as designated on the license, the name of the City of Kenosha, and the license expiration date. The owner shall securely attach the tag to a collar which shall be kept on the licensed cat at all times. This requirement to wear a tag and collar does not

apply to a cat during competition or training, or a cat securely confined indoors.

A collar tag shall not be required to be worn by any cat which is licensed during the year that the license is valid, if the cat has a computer microchip encoded with identifying information which has been subcutaneously inserted within the cat. Said chip must be registered with a national registry and be easily read with magnetic scanners. Said identifying information shall include the name and current address of the owner, as that term is defined herein, who licensed the cat.

3. License Fee. For the license term commencing January 1, 2003, the Cat License Fee shall be Four ($4.00) Dollars per year for each year of the license term for a neutered male cat or spayed female cat, upon presentation of evidence that the cat is neutered or spayed, and Ten ($10.00) Dollars per year for each year of the license term for an unneutered male cat or unspayed female cat. For the license term commencing January 1, 2010, the cat license fee shall be Ten ($10.00) Dollars per year of each year of the license term for a neutered male cat or spayed female cat, upon presentation of evidence that the cat is neutered or spayed, and Twenty-Five ($25.00) Dollars per year for each year of the license term for an unneutered male cat or unspayed female cat. License fees shall not be prorated or refunded when the license was effective for a portion of a license year

4. Late Fee. A late fee of Five ($5.00) Dollars shall be paid to the City Clerk by every owner of a cat five (5) months of age or over, if the owner failed to obtain a license prior to April 1st of each year, or within thirty (30) days of acquiring ownership of a licensable cat or if the owner failed to obtain a license on or before the cat reached licensable age.

5. License Term. The license term for a cat license is three years, commencing on January 1. The initial term for any cat may be one (1), two (2) or three (3) years. The initial term shall be determined by the duration of the rabies vaccination, with the term covering each January 1 for which the rabies vaccination remains unexpired.

6. Special Revenue Fund. The Finance Director shall create a special revenue fund for the purposes of depositing the licensing and/or late fees collected. The special revenue fund shall be used to further the purpose of this Chapter.

C. Nuisance. No person shall keep or harbor within the City any dog which by loud or frequent or habitual barking, yelping, or howling shall cause serious annoyance to the neighborhood or to persons passing to and from upon the streets. No owner or a person harboring a fierce or vicious dog shall suffer the same to run at large at any time within the City.

D.1. Run at Large. It shall be unlawful for any person owning or possessing any dog or cat to permit it to run at large. **"Run at Large"** shall mean the presence of an animal which is not on a secured leash of six (6') feet or less on any public property or thoroughfare or on any private property without the permission of the property owner or occupier. Dogs and cats which are not leashed in vehicles are not deemed to "run at large" if they are secured in a manner as will prevent their escape therefrom. This requirement does not apply to dogs utilized for law enforcement purposes.

2. Impounding. Whenever a City Humane Agent or any police officer or other person designated by the Chief of Police shall find any dog or cat running at large as defined, he/she shall, if possible, pick up and impound such animal in such place as the Chief of Police may direct; provided, however, that if any such dog or cat is fierce or dangerous, it may be disposed of forthwith. Whenever the owner of any impounded animal shall be identifiable through a collar or license tag, the owner shall be notified by the impoundment facility.

Any animal impounded shall be held for a period of seven (7) days to permit the owner to reclaim it. At the end of such period, the animal may be disposed of in the manner as provided by Wisconsin Statutes.

3. Public Dog Runs. Persons owning or possessing a dog may permit it to run without it being on a secured leash of six (6) feet or less on Retaining Basins located on the west side of 39th Avenue between Bradford High School and Bullen Junior High School and on the south side of 18th Street between 26th Avenue and 24th Avenue, in said persons presence, daily, between the hours of 6:00 A.M. and 10:00 A.M. and between the hours of 5:00 P.M. and 8:00 P.M. It shall be unlawful for any person to permit a dog to be present upon either of said Retention Basins at any other time.

14.013 LIMITATION ON NUMBER OF DOGS AND CATS PER RESIDENTIALLY ZONED LOT

A. Purpose. The owning, harboring and keeping by any person(s) of a large number of dogs, cats or combination thereof within a residentially zoned lot within the City for an extended period of time, detracts from the quality of life within the entire residential district due to various noise, odor, health and safety problems which constitute a public nuisance. The Common Council of the City of Kenosha, Wisconsin, has deemed it necessary to

abate such public nuisance by the creation of the following limitation.

B. Limitation. No person may own, harbor or keep in their possession, within the City, more than three (3) dogs, cats or combination thereof, over the age of five (5) months, except when they possess a Kennel License which is in full force and effect.

C. Exemption. Any person owning, harboring or keeping in their possession within the City, on the effective date of this Ordinance, more than three (3) dogs, cats or combination thereof, over the age of five (5) months, shall be permitted to own, harbor or keep within their possession said dogs and/or cats provided that:

1. Required license fees for each dog have been paid, a license for each dog is continuously maintained in full force and effect, and proof thereof is furnished to City personnel empowered to enforce this Ordinance upon request.

2. Required and effective rabies immunization for each dog and/or cat has been procured, and effective level of rabies immunization continuously maintained, and proof thereof furnished to City personnel empowered to enforce this Ordinance upon request.

3. The premises upon which the dogs and/or cats are kept is maintained in accordance with **§14.014** of the Code of General Ordinances, and said compliance is demonstrated to City personnel empowered to enforce this Ordinance upon request.

However, this exemption shall not authorize the replacement of any dog and/or cat until the specified limitation within this Ordinance is complied with. The burden of proving entitlement to this exemption is upon the party seeking the exemption.

14.014 MAINTENANCE OF SANITARY CONDITIONS

Any premises, whether indoors or outdoors, upon which any animal is harbored, shall be maintained in a sanitary condition, and all animal feces must be removed and sanitarily disposed of within twenty-four (24) hours.

14.015 KENNELS AND PET SHOPS

A. DEFINITIONS. The following definitions shall apply to the terms and words used in this Chapter:

1. Kennels means and includes:

a. Noncommercial Kennels. Any not for profit business that, as a home occupation, under the Zoning Ordinance, keeps, maintains, harbors or possesses more than three (3) dogs or cats, or combinations thereof, over five (5) months of age for the purpose of housing unwanted dogs and/or cats pending adoption. This term shall exclude the commercial sale and breeding of any such animals. However, the charging of a fee to cover costs for maintenance, health care, neutering and spaying shall not disqualify households from noncommercial kennel status.

b. Commercial Kennels. A for profit business establishment engaged in offering boarding, training and/or breeding services and/or the sale of dogs and/or cats, with the exclusion of veterinary hospitals. Commercial kennels shall include the boarding of dogs for racing purposes.

c. Humane Societies. An impoundment facility under §174.046, Wisconsin Statutes.

2. Pet animal means any domesticated or wild animal, including dogs, cats, birds, small rodents or small nonpoisonous reptiles, which is fed, watered, harbored or allowed, by City Ordinances, to be or remain in the City, excluding:

a. Any hoofed animal.

b. Any animal in a zoo, exhibition or fair authorized by City Ordinances.

c. Any animal which is held for use in bona fide scientific research.

3. Pet shop means a retail or wholesale business offering for sale pet animals, excluding commercial kennels.

4. Enclosure(s) means a separate enclosure or cage which segregates one animal from another animal or animals.

5. Veterinary hospital means any establishment in which the practice of veterinary medicine is the primary business.

6. Sanitarian shall mean a Health Department Sanitarian and shall include Sanitarian Aide.

B. LICENSE REQUIRED/FEE. It is unlawful for any person, party, firm or corporation to operate, keep or maintain within the City limits a kennel or pet shop without first having obtained a license from the City Common Council and being in compliance with all provisions of this Ordinance. License applications shall be reviewed, prior to action by the Common Council, by the Committee on Licenses/Permits. The City Clerk, or designee thereof, shall issue licenses which have been granted by the Common Council. The fee for a license issued hereunder or renewal thereof shall be Two Hundred ($200) Dollars per

calendar year or fraction thereof.

C. LICENSE/APPLICATION.

1. Any applicant for a license or renewal thereof under this Ordinance shall file with the City Clerk a fully executed application on a form prescribed by the City Clerk, accompanied by the annual license fee. The application shall state the maximum number of dogs and/or cats sought to be permitted upon the licensed premises.

2. No licenses or renewal thereof shall issue hereunder until:

a. There has been an inspection by a Sanitarian of the premises being licensed and a determination by said Sanitarian that all requirements of this Ordinance, and other applicable General and Zoning Ordinances, have been met.

b. There is an adequate means of restraining animals from running at large or disturbing the peace.

c. The proposed facilities are located in an appropriate zone under the City Zoning Ordinance and are the subject of an Occupancy Permit, as verified by the Director of Neighborhood Services and Inspections, or designee thereof.

d. The proposed facilities are in compliance with the Building Code and Fire Code, as verified by authorized representatives of enforcing departments.

3. Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the thirty-first (31st) day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.

4. When issued, a license shall be displayed in a manner and at a location so as to be readily visible by the public.

5. The Common Council shall license the premises only for such number of dogs and/or cats as the premises to be licensed will reasonably accommodate based upon inspection reports.

D. LICENSE AND RABIES TAGS. Upon issuing a license hereunder, the City Clerk shall issue a number of tags equal to the number of dogs and/or cats authorized to be kept on the licensed premises. License tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee shall, at all times, keep one of such tags, plus a Rabies Tag obtained from a veterinarian, attached to the collar of each dog or cat over five (5) months old kept on the licensed premises. This requirement to wear a tag and collar does not apply to a dog during competition or training, a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. License tags may be transferred from one dog or cat to another. No dog or cat bearing any such license tag shall be permitted to stray or to be taken anywhere outside the limits of the licensed premises unless it is in leash, except where temporarily unleashed for the purposes of hunting, breeding, trial or show. Humane Societies shall follow the provisions of §174.046, Wisconsin Statutes.

E. RECORDS. The City Clerk shall make a duplicate list of the names of licensees and the number of dogs kept upon each licensed premises and shall deliver one (1) copy of said list to the County Clerk, retaining the other copy for his/her files.

F. CHAPTER 174, WISCONSIN STATUTES. Unless clearly inapplicable, all the provisions of Chapter 174, Wisconsin Statutes, relating to the individual dog license tax, license and tag, shall apply to license tags issued hereunder.

G. OTHER LICENSES AND PERMITS. The issuance of a license hereunder does not exempt licensee from obtaining and complying with all other applicable State and City licenses and permits, including required Zoning Permits. Licensees who engage in commercial pesticide application must be licensed, certified and at all times maintain compliance with §94.704 and §94.705, Wisconsin Statutes, and §Ag 29.11 of the Wisconsin Administrative Code.

H. GENERAL FACILITY STANDARDS. All licensed premises shall provide the following:

1. Water and food. Adequate and potable water shall be available at all times to pet animals. Watering and feeding receptacles shall be cleaned at least once daily.

2. Storage. Supplies of food and bedding shall be stored and adequately protected against infestation or contamination by vermin. Refrigeration shall be provided for perishable food.

3. Waste Disposal. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall also be provided and operated as to minimize vermin infestation, odors and disease hazards.

4. Washrooms and Sinks. Facilities such as washrooms, basins or sinks shall be provided to maintain cleanliness among caretakers.

5. Communicable Diseases. Pet animals with potential communicable diseases shall be housed in separate rooms from healthy, boarding animals. Pet animals which have a communicable disease shall not be sold or provided for adoption until receiving a clean bill of health from a veterinarian.

6. Vicious Animals. Vicious animals, as defined in **§14.075** of the Code of General Ordinances, shall not be kept on licensed premises.

I. INDOOR FACILITY STANDARDS. In addition to the requirements of **Subsection H.**, indoor facilities licensed hereunder shall provide the following:

1. Ventilation. Indoor housing for pet animals shall be adequately ventilated to provide for health and comfort of said animals at all times. They shall be provided with fresh air, either by means of windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation. Auxiliary ventilation such as exhaust fans and vents or air conditioning shall be provided when the ambient temperature is eighty-five (85°F) degrees Fahrenheit or higher, except where the ambient temperature requirements of the specific requirements of the specific species differs.

2. Lighting. Indoor housing for pet animals shall have ample artificial light which is of good quality and is well-distributed. Such lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning during the entire working period.

3. Interior Surfaces. The interior building surfaces of indoor housing facilities for pet animals shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.

4. Drainage. A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage and odors,

5. Dogs Five (5) Months or Older. Dogs five (5) months or older which are housed longer than a twenty-four (24) hour period shall be provided with adequate, separate, cleanable enclosures and shall be permitted exercise periods at least twice each day for a minimum of five (5) minutes each period, unless an exercise run is provided. An exercise run must have an area of twenty (20) square feet for a dog of thirty (30) pounds or less, and a minimum of thirty-six (36) square feet for a dog over thirty (30) pounds in weight.

Subsection 3. shall not apply to noncommercial kennels.

J. OUTDOOR FACILITY STANDARDS. In addition to the standards required under **Subsection H.**, outdoor facilities licensed hereunder shall provide the following:

1. Shelter from sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all pet animals kept outdoors to protect themselves from the direct rays of the sun.

2. Shelter from rain or snow. Pet animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

3. Shelter from cold winter. Shelter shall be provided for all pet animals kept outdoors when the atmospheric temperature falls below fifty (50°F) degrees Fahrenheit. Sufficient clean bedding material or other means of protection form the weather elements shall be provided when the ambient temperature fall below that temperature to which any such animal is acclimated.

4. Drainage. A suitable method shall be provided to rapidly eliminate excess water.

5. Dogs five (5) months or older. Dogs five (5) months or older which are housed longer than a twenty-four (24) hour period shall be provided with adequate, separate, cleanable enclosures and shall be permitted exercise periods at least twice each day for a minimum of five (5) minutes each period, unless an exercise run is provided. An exercise run must have an area of twenty (20) square feet for a dog of thirty (30) pounds or less, and a minimum of thirty-six (36) square feet for a dog over thirty (30) pounds in weight.

6. Individual enclosures. Individual enclosures shall not be required for noncommercial kennels.

K. ENCLOSURES. Enclosures shall:

1. Not be required for noncommercial kennels.

2. Be structurally sound and maintained in good repair to protect the pet animals from injury, to contain them, and to keep predators out. They shall be constructed of a material that is easily cleanable and maintained so as to enable the pet animals to remain dry and clean and provide convenient access to clean food and water.

3. Be constructed and maintained so as to provide sufficient space to allow each pet animal to turn about freely and to easily stand, sit and lie in a comfortable, natural position.

4. Be used for housing not more than one (1) pet animal unless requested by the owners of each pet animal housed therein.

5. Subsections **3**. and **4**. above shall not apply to pet animals being housed for medical or grooming purposes, or for less than seventy-two (72) hours.

L. SANITATION/CLEANING OF ENCLOSURES.

1. Excreta shall be removed from enclosures as often as necessary to prevent contamination of the pet animals contained therein and to reduce disease, hazards and odors. When a hosing or flushing method is used for cleaning and enclosure, the pet animals shall be removed during the cleaning process and adequate measures shall be taken to protect the pet animals in other enclosures from being contaminated with water and other wastes.

2. Enclosures, rooms, hard-surfaced pens and runs shall be cleaned by washing all soiled surfaces with a safe and effective disinfectant.

3. Pens and runs shall be constructed of concrete, asphalt or impervious material, or other material approved by the Health Administrator or his or her designee.

4. An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.

M . FEEDING.

1. Pet animals which are housed for more than twenty-four (24) hours shall be fed at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of each pet animal.

2. Food receptacles shall be accessible to the pet animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.

N. ENFORCEMENT.

1. Any person, party, firm, or corporation who violates any of the provisions of this Ordinance, or shall hinder, impede or obstruct an enforcing officer in the performance of his/her duty of enforcement shall, upon conviction thereof, forfeit not more than Three Hundred ($300) Dollars, plus the cost of prosecution.

2. Sanitarians within the Health Department shall be responsible for the enforcement of this Ordinance, and shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to businesses open at least forty (40) hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

3. The provisions of this Ordinance which are enforceable against a licensee shall be equally enforceable against a non-licensee who is required to be licensed hereunder.

O. SUSPENSION, REVOCATION OR DENIAL OF RENEWAL OF LICENSE.

1. The City Common Council shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any operator or licensee has violated any of the provisions of this Ordinance, or any Ordinance of the City, or law, rule or regulation of the State of Wisconsin or the United States, involving cruelty or mistreatment of pet or other animals, or the unlawful possession of any animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the City Clerk. Such notice shall state that the applicant or licensee may request a hearing on such decision by the City Common Council within ten (10) days of receiving the notice.

2. Should the applicant or licensee request a hearing within such ten (10) day period, the applicant or licensee shall be notified in writing by the City Clerk of the time and place of the hearing, and the license shall remain in effect until the City Common Council determines that grounds exist for such action.

3. Disciplinary hearings, including nonrenewal, suspension and revocation hearings, shall be held before the Committee on Licenses/Permits, which

shall submit a report to the Common Council, including Findings of Fact, Conclusions of Law and a recommendation as to what action, if any, the Common Council should take with respect to the License. The Committee shall provide the Complainant and the Licensee with a copy of the report. Either the Complainant or the Licensee may make an objection, orally or in writing, to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether the arguments shall be presented orally or in writing, or both. If the Common Council, after considering the Committee's report and any arguments presented by the Complainant and Licensee, finds the complaint to be true, or if there is no objection to a report recommending a suspension, revocation or nonrenewal, the Licensee shall be suspended, revoked or not renewed as provided by law. If the Common Council finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of each suspension, revocation or nonrenewal to the party whose License is affected.

14.02 CERTAIN ANIMALS PROHIBITED; FOWLS REGULATED.

A. No person, party, firm or corporation shall, keep, feed or breed any swine, cattle, foxes, beavers, mink, otter, martin, fisher, raccoon, skunk, goats, horses, mules, asses, sheep, pheasants, poultry or bees in the City, except as herein provided. In the A-1 and A-2 Zoning Districts, swine, cattle, goats, horses, sheep, poultry or bees are permitted upon first obtaining a permit from the Administrator of Health, or designee thereof. In the event of the commercial raising of poultry for meat or eggs, a license, as provided in **Subsection B**., shall be required. The above referenced permit may be conditioned upon said animals being kept in such manner so as to not constitute a public nuisance or a health hazard. Said permit shall limit the number of animals and impose fencing, setback and maintenance requirements such as are necessary to promote health and sanitation. Vietnamese Potbellied Pigs are allowed in one and two family residential housing units in other than the A-1 and A-2 Zoning Districts, upon the issuance and maintenance of a license therefor under **§14.024** of the Code of General Ordinances. Notwithstanding the above, killer bees of the African or South American species may not be kept, fed or bred in the City under any circumstances.

Nor shall any person, firm or corporation bring into, keep or maintain under their control, within the limits of the City, any wild animal or any animal which may endanger life or property. The word **"animal"** as used in this subsection is any living thing that is not human or a plant, and generally is capable of voluntary motion or sensation, and, the term **"wild animal"** includes, but is not limited to, all animals not indigenous to the North American Continent, and having a dangerous propensity.

Any traveling circus or similar business having suitable structures or facilities for the safeguard of such animals as determined by the City Humane Officer are exempted from the provisions of this subsection.

Also excepted from this Ordinance is any bona fide, accredited school having structures or facilities for the safekeeping of such animals, as deemed appropriate by the City Health Administrator, or designee thereof, and offering protection to persons who may come in contact therewith, providing the head of the school or school system authorizes the keeping or maintaining of designated animals, for educational purposes.

B. Fowls.

1. No person, firm, or corporation shall keep, feed, or harbor any chickens, turkeys, ducks, or geese without first obtaining a license so to do from the Common Council as hereinafter provided.

2. License. Application to operate a poultry ranch shall be made to the City Clerk and subject to the approval of the Common Council accompanied by a fee of $200.00. Such application shall state the location of the ranch, its size, approximate acreage and number of fowl maintained per day. The license term shall be the calendar year. No license shall be granted for any premises not in conformity to the Zoning Ordinance.

3. Regulations.

a. The licensee shall not knowingly permit any live fowl within 125 feet of the boundaries of the premises.

b. The licensee shall maintain the premises in a sanitary condition such as to prevent obnoxious odors from escaping to any private or public property and such as to not jeopardize the public health, safety and welfare.

c. The licensee shall permit the inspection of the premises by the Health Department, and obey any reasonable sanitation directive of that Department.

4. Revocation of License. Upon recommendation of the Department of Health, the Council may revoke any license after a hearing has been afforded to the licensee.

14.024 VIETNAMESE POTBELLIED PIG LICENSE

A. DEFINITIONS.

1. Vietnamese Potbellied Pig shall mean purebred Vietnamese Potbellied Pigs registered through a North American Vietnamese Potbellied Pig Registry which do not exceed one hundred (100) pounds in weight.

2. Sanitarian shall mean a Kenosha County Health Department Sanitarian and shall include Sanitarian Aide, acting as the City enforcing agent under the provisions of a contract between the City and County.

B. LICENSE REQUIRED/FEE. It is unlawful for any person, party, firm or corporation to keep or maintain within the City limits a Vietnamese Potbellied Pig without first having obtained a license from the City Common Council and being in compliance with all provisions of this Ordinance. License applications shall be reviewed, prior to action by the Common Council, by the Committee on Licenses/Permits. The City Clerk, or designee thereof, shall issue licenses which have been granted by the Common Council. The fee for a license issued hereunder or renewal thereof shall be One Hundred ($100) Dollars per calendar year or fraction thereof. Excepted from the license requirement is any law enforcement agency or agency under contract with the City to care for stray or unwanted animals.

C. LICENSE/APPLICATION.

1. Any applicant for a license or renewal thereof under this Ordinance shall file with the City Clerk a fully executed application on a form prescribed by the City Clerk, accompanied by the annual license fee.

2. No licenses or renewal thereof shall issue hereunder until:

a. A Certificate of Purebred registration is filed with the City Clerk.

b. There has been an inspection by a Sanitarian of the premises being licensed and a determination by said sanitarian that all requirements of this Ordinance, and other applicable General and Zoning Ordinances, have been met.

c. There is an adequate means of restraining animals from running at large or disturbing the peace.

d. The proposed facilities are located in an appropriate zone under the City Zoning Ordinance and are the subject of an Occupancy Permit, as verified by the Director of Neighborhood Services and Inspections, or designee thereof.

e. The proposed facilities are in compliance with the Building Code and Fire Code, as verified by authorized representatives of enforcing departments.

3. Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the thirty-first (31st) day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.

4. When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any City personnel requesting to examine it and having authority to enforce this Ordinance.

5. The Common Council shall license the premises only for one (1) Vietnamese Potbellied Pig.

D. LICENSE TAGS. Upon issuing a license hereunder, the City Clerk shall issue a license tag. The licensee shall, at all times, keep such tag attached to the collar of said Vietnamese Potbellied Pig kept on the licensed premises. No Vietnamese Potbellied Pig shall be permitted to stray or to be taken anywhere outside the limits of the licensed premises unless it is in leash, except where temporarily unleashed for the purpose of show.

E. RECORDS. The City Clerk shall retain a copy of the application and license for his/her files.

F. OTHER LICENSES AND PERMITS. The issuance of a license hereunder does not exempt licensee from obtaining and complying with all other applicable State and City licenses and permits, including required Zoning Permits.

G. LICENSE REQUIREMENT. Licensee shall comply with the following as a condition of obtaining and maintaining a license:

1. Animal feces to be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

2. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.

3. An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for

purposes of restraint.

4. When the atmospheric temperature is less than fifty (50°) degrees Fahrenheit, an animal shall be kept indoors at a temperature no less than fifty (50°) degrees Fahrenheit, except for temporary ventures which do not endanger the animals health.

5. An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.

6. Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.

7. Animals may not be permitted to exceed one hundred (100) pounds in weight.

8. Animals shall be examined by a veterinarian within a period of sixty (60) days prior to a new or renewal license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:

a. The animal's weight.
b. The animal has received all recommended vaccinations and boosters.
c. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.
d. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.
e. The animal has been spayed or neutered.
f. The animal has passed a pseudorabies test administered in accordance with Ag10, Wisconsin Administrative Code.

9. The animal shall not be permitted to "Run at Large". "Run at Large" shall mean the presence of an animal which is not on a leash of six (6') feet or less on any public property or thoroughfare or on any private property without the permission of the property owner or occupier. Animals which are not leashed in a motor vehicle shall not be deemed to "Run at Large" if secured in a manner as will prevent their escape therefrom.

10. Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.

11. License holder shall be responsible for all costs of impounding the animal, if taken into custody as a stray, and for all costs of providing any necessary medical treatment which may be required for the animal under any circumstances. To guarantee the payment of said cost, a bond, cash bond or other assurance approved by the City Attorney is required to be posted with the City Clerk in the amount of One Thousand ($1,000) Dollars.

12. Animals may be imported, sold and exhibited only in accordance with Ag11, Wisconsin Administrative Code.

H. ENFORCEMENT.

1. Any person, party, firm, or corporation who violates any of the provisions of this Ordinance, or shall hinder, impede or obstruct an enforcing officer in the performance of his/her duty of enforcement shall, upon conviction thereof, forfeit not more than Three Hundred ($300) Dollars, plus the cost of prosecution.

2. Sanitarians shall be responsible for the enforcement of this Ordinance, and shall have the authority and duty to enter any licensed premises to inspect the same. Inspections may be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

3. The provisions of this Ordinance which are enforceable against a licensee shall be equally enforceable against a non-licensee who is required to be licensed hereunder.

I. SUSPENSION, REVOCATION OR DENIAL OF RENEWAL OF LICENSE.

1. The City Common Council shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any licensee has violated any of the provisions of this Ordinance, or any Ordinance of the City, or law, rule or regulation of the State of Wisconsin or the United States, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the City Clerk.

Such notice shall state that the applicant or licensee may request a hearing on such decision by the City Common Council within ten (10) days of receiving the notice.

2. Should the applicant or licensee request a hearing within such ten (10) day period, the applicant or licensee shall be notified in writing by the City Clerk of the time and place of the hearing, and the license shall remain in effect until the City Common Council determines that grounds exist for such action.

3. Disciplinary hearings, including nonrenewal, suspension and revocation hearings, shall be held before the Committee on Licenses/Permits, which shall submit a report to the Common Council, including Findings of Fact, Conclusions of Law and a recommendation as to what action, if any, the Common Council should take with respect to the License. The Committee shall provide the Complainant and the Licensee with a copy of the report. Either the Complainant or the Licensee may make an objection, orally or in writing, to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether the arguments shall be presented orally or in writing, or both. If the Common Council, after considering the Committee's report and any arguments presented by the Complainant and Licensee, finds the complaint to be true, or if there is no objection to a report recommending a suspension, revocation or nonrenewal, the License shall be suspended, revoked or not renewed as provided by law. If the Common Council finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of each suspension, revocation or nonrenewal to the party whose License is affected.

14.025 HORSE DRAWN VEHICLES/LICENSE AND PERMIT - OTHER ANIMAL DRAWN VEHICLES PROHIBITED

A. Definition. "Horse Drawn Vehicle" shall mean any surrey, carriage, wagon, cart or similar device which is pulled by one (1) or more horses, for any purpose, which is operated upon any public property or right-of-way.

B. License Required. It shall be unlawful for any person, party, firm or corporation to operate a Horse Drawn Vehicle within the City without first obtaining a license therefor as hereinafter prescribed.

1. Annual License. Annual Licenses shall be issued by the Common Council to eligible applicants, who make proper application to the City Clerk and tender the full application fee.

a. Term. The License term shall be January 1 through December 31 of each year.

b. Fee. The License fee shall be One Hundred Fifty ($150) Dollars, which shall be proratable for first year licenses to the extent that the fee shall be reduced to Seventy-five ($75) Dollars for any first year license which is effective for six (6) months or less.

c. Vehicles. The License shall cover one (1) vehicle. Additional vehicles may be included at an additional License fee of Twenty-five ($25) Dollars per vehicle.

2. Daily Permit. Daily, nonrefundable Permits shall be issued by the City Clerk to eligible applicants who make proper application to the City Clerk and tender the full application fee.

a. Term. The Permit term shall be one (1) calendar day, as designated.

b. Fee. The Permit fee shall be Twenty-five ($25) Dollars per day. Each day shall be considered a separate term.

c. Vehicle. Each vehicle shall require a separate Permit.

C. License/Permit Conditions. Applicants must comply with the following as a condition of a License/Permit being granted:

1. Applicant or partners or officers must be a minimum of eighteen (18) years old.

2. Applicant must submit with the application and maintain throughout the License/Permit term, an insurance policy written by one (1) or more insurers licensed to do business in the State of Wisconsin, in the amount of One Hundred Thousand ($100,000) per person and Three Hundred Thousand ($300,000) per occurrence, covering death, personal injury and property damage.

3. Applicant must own or lease a vehicle which is roadworthy and in a good state of repair.

4. Applicants for a License must submit a statement from a veterinarian that the horse(s) to be utilized are in good health. With respect to a Permit, applicant, if no such report is available, may sign a statement that to the best of his/her knowledge, the horse(s) to be utilized are in good health.

D. General Operating Requirements. Horse drawn vehicles shall be operated, at all times while within the City, in accordance with the following requirements:

1. Vehicles shall be roadworthy, in good repair, and in a clean, safe and sanitary condition.

2. Horses utilized to pull vehicles shall be in good health, sufficient to safely accomplish said task.

3. Vehicles shall be in compliance with Chapter 347, Wisconsin Statutes, with respect to lamps, identification emblem, and slow-moving vehicle signs.

4. Horses shall be diapered to retain deposits of urine and fecal matter, and vehicles shall contain equipment to clean up same. Urine and fecal matter must be cleaned up promptly so as not to be a nuisance or health hazard.

5. Operators must be eighteen (18) years of age or older and have a valid Wisconsin Driver's License, except in the case of an individual who is a member of a branch of the Armed Services, having a valid driver's license from the State he/she declares as his/her residence, and residing within Kenosha County while in service.

6. Operators may not obstruct vehicular or pedestrian traffic or create a nuisance.

7. Operators shall not permit any passenger to sit alongside the driver while the vehicle is moving.

8. Operators may not operate any vehicle in excess of the weight and/or passenger capacity which it is built to accommodate.

9. Operators may not operate the vehicle between the hours of 7:00 A.M. to 9:00 A.M. and 3:00 P.M. to 6:00 P.M., Monday through Friday on the following streets: 52nd Street, from Sheridan Road to 30th Avenue; 22nd Avenue, from Washington Road to 75th Street; Sheridan Road, from Washington Road to 75th Street; and 75th Street, from Sheridan Road to 30th Avenue.

10. Operators shall obey the Rules of the Road for motor vehicles with respect to the operation and parking of motor vehicles.

E. Revocation, Suspension and NonRenewal of Licenses/Permits. Licenses/Permits granted hereunder may be revoked, suspended, or not renewed for just cause, upon notice and an opportunity to be heard. With respect to Licenses granted hereunder, hearing shall be conducted by the Committee on Licenses/Permits.

F. Other Ordinances. Nothing in this Ordinance shall permit horses to be kept, bred or boarded within the City contrary to **§14.02**, Ordinances, although horses drawing vehicles may be fed in the City during periods of operation.

G. Other Animal Drawn Vehicles Prohibited. No vehicle shall be drawn by any animal other than a horse within the City on public property or on a street right-of-way, with the exception of a parade or special civic event and the obtaining of a daily Permit hereunder.

14.03 SANITATION

A. All places and structures wherein any animal, fowl or bird is kept shall be maintained in a clean and sanitary condition and shall at all times be subject to inspection and such reasonable regulation as to its maintenance and location as the Department of Health may make.

B. It shall be unlawful for any person, except the visually or physically handicapped, to cause or permit a dog to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

C. It shall be unlawful for any person in control of, except the visually or physically handicapped, causing or permitting any dog to be on any property, public or private, not owned or possessed by such person to fail to scoop and remove excrement left by such dog to a proper receptacle located on property owned or possessed by such person.

14.04 SALE OF BABY CHICKS, DUCKLINGS AND RABBITS

No person, firm or corporation shall sell, offer for sale, barter, display or give away baby chickens, ducklings, or other fowl, under three weeks of age, or rabbits under two months of age, as pets, toys, premiums or novelties, or to color, dye, stain or otherwise change the natural color of said baby chickens, ducklings or other fowl, or rabbits; or to bring or transport the same into the City of Kenosha; provided, however, that this Section shall not be construed to prohibit the sale or display of said baby chickens, ducklings, or other fowl, or said rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding or raising for food. It shall be the burden of any person, firm or corporation charged with a violation of this Section to prove to the satisfaction of the court in which such case is heard the age, at the time of the alleged violation, of said baby chickens, ducklings, other fowl or rabbits.

14.05 OPEN LOFTS FOR PIGEONS PROHIBITED

A. No person, firm or corporation shall maintain

or permit to be maintained on any property in the City an open loft for pigeons.

B. An open loft is defined to be a loft unattended by any person regulating the entrance and exit of pigeons, and which permits any pigeon regardless of ownership to enter and leave such loft freely at any time.

C. The prohibition in **A**. above shall not apply to racing lofts and racing pigeons, and said prohibition shall not apply or affect the basic rudiments of racing pigeon training.

14.055 CRUELTY TO ANIMALS

A. It shall be unlawful to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat any animal, including every act or omission or neglect whereby unnecessary or unjustifiable pain, suffering or death shall be caused, whether belonging to himself or another except that reasonable force may be employed to drive off vicious or trespassing animals.

B. It shall be unlawful to fail or refuse or neglect to provide any animal in his charge with food, potable water, shade or shelter, or cruelly expose any animal In hot, stormy, cold or inclement weather or to carry any animal in or upon any vehicle in a cruel or inhumane manner.

1. In this Section, **"shade"** shall mean protection from the direct rays of the sun, during the months of June to September, inclusive, shall be provided.

2. In this Section, **"shelter"** shall mean a moisture proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two (2") inches from the ground and with the entrance covered by a flexible windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

14.06 TRAPPING

A. No person shall, within the corporate limits of the City of Kenosha, Wisconsin, set or operate any trap, device, or mechanism that is designed, built or made to close upon, hold fast or otherwise capture an animal, other than vermin.

B. This Ordinance shall not proscribe the use of "live" traps authorized under §29.24, Wisconsin Statutes, relating to the live trapping of certain animals by owners or occupants of land; use of live traps under §§29.425 and 29.427, Wisconsin Statutes, relating to relocation of live, wild animals; and the use of live traps under §29.59, Wisconsin Statutes, relating to the removal of wild animals causing damage.

14.07 RABIES CONTROL

A. Definitions. For the purpose of this Section, the following definitions shall apply:

1. Administrator. The term "Administrator" shall mean the Director of the Kenosha County Health Department, and designees thereof, acting as the City enforcing agent under the provisions of a contract between the City and County of Kenosha.

2. Animal. The term "Animal" shall mean dog or cat.

3. Rabies Control Authority. The term "Rabies Control Authority" shall mean the Health Department of the County of Kenosha, Wisconsin.

4. Vaccination Against Rabies. The term 'Vaccination Against Rabies" shall mean the inoculation of an animal with a rabies vaccine licensed by the United States Department of Agriculture administered by a veterinarian.

5. Veterinarian. The term "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed by the State of Wisconsin.

B. Rabies Vaccination Required.

1. Rabies Vaccination Required. The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian, or if a veterinarian is physically present at the location where the vaccine is administered, by a veterinary technician, at no later than five (5) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat, or brings the dog or cat into the City after the dog or cat has reached five (5) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat is obtained or brought into the City, unless the dog or cat has been vaccinated as evidenced by a current Certificate of Rabies Vaccination from the State of Wisconsin or another state. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian, or if a veterinarian is physically present at the location where the vaccine is administered, by a veterinary technician, before the date that the immunization expires as stated on the certificate of vaccination, or if no date is specified, within three (3) years after the previous vaccination.

2. Exemption. The owner of a dog or cat may be exempt from the requirement to have the dog or cat vaccinated against rabies for a license year based

on a letter from a veterinarian stating that vaccination is inadvisable because of a reaction to a previous vaccination, a physical condition, or a regimen of therapy that the dog or cat is undergoing. The owner shall provide a new letter for each year in which the owner seeks an exemption under this paragraph.

C. Duties of Veterinarian.

1. Issuance of Certificate of Rabies Vaccination. The person who administers the rabies vaccine under this Section shall complete and issue to the owner a Certificate of Rabies Vaccination bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat, the date of vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services, and the city, village or town where the dog or cat is required to be licensed.

2. Veterinarian Copies. The veterinarian shall keep a copy of each Certificate of Rabies Vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.

3. Rabies Control Copy. Upon request of the Rabies Control Authority, the veterinarian shall forward a copy of each Certificate of Rabies Vaccination to the Rabies Control Authority within ten (10) days of the request.

4. Rabies Vaccination Tag. After issuing the Certificate of Rabies Vaccination, the person who administers the vaccine under this Section shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the supervising veterinarian.

5. Tag To Be Attached. The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this Section do not apply to a dog which is not required to be vaccinated under **Section B.2.** No collar or harness shall be required for cats.

6. Duplicate Tag. The person who administers the vaccine under **Section B.1.** may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the Certificate of Rabies Vaccination. The person who administers the vaccine under **Section B.1**. shall then indicate the new tag number on the certificate and keep a record in the file.

D. Vaccination Cost. The cost of rabies vaccination shall be borne by the owner of the dog or cat.

E. Exception of Vaccination Requirement - Transient Dog or Cats. The provisions of this Ordinance with respect to vaccination shall not apply to any dog or cat owned by a person temporarily remaining within the City of Kenosha for less than thirty (30) days, or any dog or cat brought into the City for field trial or show purposes, nor for hunting dogs in the State for less than 30 days. Such dogs shall be kept under strict supervision of the owner. However, it shall be unlawful to bring any dog into the City of Kenosha which does not comply with the animal health laws and import regulations of the State of Wisconsin, which are applicable to dogs.

F. Duty Upon Animal Biting or Scratching a Natural Person.

1. Within three (3) days after being notified as provided in **§2.**, the owner of an animal that has bitten or scratched any natural person, shall cause such animal to be examined by a veterinarian.

2. Notice, as used in **§14.07 F.**, shall be complete either:

a. Upon 1st class mailing of a notice; or,

b. Upon actual delivery of a notice to the owner.

c. By leaving a copy of the notice at the owner's usual place of abode within the State in the presence of some competent member of the family at least fourteen (14) years of age, who shall be informed of the contents thereof.

The notice herein shall be sufficient if it identifies: the animal, the name of the natural person bitten or scratched, the location at which the person was bitten or scratched, and the name of the owner (as defined in **§14.001 E.)** of the animal. Notice by mail shall be complete upon deposit with the Post Office.

3. In not less than ten (10) nor more than twelve (12) days after the date the animal bit or scratched any natural person, the owner shall secure a release

of the animal from a veterinarian; on a form approved and supplied by the Rabies Control Authority and delivered by the owner to the Rabies Control Authority in not less than ten (10) nor more than twelve (12) days after the date the animal bit or scratched any natural person.

4. The owner of the animal shall cause the animal to be confined in the custody and care of a veterinarian for such period of time, not to exceed ten (10) days, as is deemed necessary by the veterinarian to determine whether the animal is rabid if:

a. Pursuant to the examination in **§1.**, the veterinarian determines that the animal exhibits abnormal symptoms, signs or behavior; or,

b. If the animal was not vaccinated pursuant to **§14.07 B.**. The cost of such confinement shall be paid by the owner.

5. If pursuant to the examination in **§1**., and subject to the conditions in **§4.**, the veterinarian determines that the animal may be released to the owner, the owner shall continuously confine the animal within the owner's house or a locked pen or building completely inaccessible to children and from which the animal cannot escape, for a period of ten (10) days, commencing immediately after the bite or scratch.

6. If the owner fails to comply with the requirements of **§§14.07 F.1., 3., 4., 5., 8.**, or **10.,** the animal, or its carcass, shall be impounded by order of the Administrator, for such period as shall be deemed necessary by the Administrator, to determine whether or not the animal is rabid. After the animal has been impounded for such period as is necessary to determine whether or not the animal is rabid, the Administrator, may cause such impounded animal to be returned to its owner. The return of the animal shall in no manner affect or diminish the liability of the owner for the costs of impounding and transporting the animal or relieve the owner of any duties or liabilities under this Chapter.

7. The owner shall comply with all the requirements of this Section each and every time an animal owned by him/her bites or scratches any natural person.

8. In the event the Rabies Control Authority notifies the owner later than ten (10) days after the animal has scratched or bitten a natural person, the owner shall have the animal examined by a veterinarian within three (3) days of the notice. The veterinarian may also release the animal pursuant to **§14.07 F.3.** at the same time the veterinarian makes the initial examination. If the veterinarian releases the animal immediately, it must be done on the same forms as required by **§§14.03 F.1.** and **F.3.**, and delivered by the owner to the Rabies Control Authority within five (5) days after being notified. If the veterinarian determines that the animal is suspected of having rabies, the veterinarian shall confine the animal in the veterinarian's care for a period of not less than ten (10) days. The cost of such confinement shall be paid by the owner.

9. The owner of an animal shall not be relieved from any duty under this Section by reason of the animal's disappearance or by the transfer of its custody to another.

10. The owner shall not destroy or permit to be destroyed an animal that has bitten or scratched a natural person, unless it has been released pursuant to **§14.07 F.3.**, or **§14.07 F.8**., or with the prior written permission of the Health Administrator, or fifteen (15) days have passed since the date of the last time the animal bit or scratched a natural person.

11. The City of Kenosha, upon failure of the owner to reimburse the veterinarian, shall reimburse veterinarian who confines an animal pursuant to a request for such confinement by the Administrator, under **§14.07 F.4.b., 6**. or **8.** Such reimbursement shall be limited to the average normal customary charge in Kenosha County for boarding an animal by a veterinarian and up to two (2) rabies tests. The veterinarian, upon accepting reimbursement from the City under this Section, shall execute and deliver to the City an assignment of his/her claim against the owner for the costs of confinement. The City Attorney is authorized to take any and all actions he/she deems appropriate to collect the costs of confinement and care from the owner, pursuant to any assignment given by a veterinarian.

12. The Health Administrator may cause any dog impounded pursuant to **§§14.07 F.5**. or **§14.07 F.6.** to be vaccinated against rabies while such dog is impounded if such dog has not been and is required to be vaccinated under **§14.07 B.**

G. Handling of Dogs or Cats Bitten or Scratched by Rabid Animals. In the case of dogs or cats known to have been bitten or scratched by a rabid animal, the following shall apply:

1. Unvaccinated Dogs or Cats.

a. In the case of dogs or cats which are not vaccinated in accordance with **§B.** and which have been bitten or scratched by a known rabid animal, said bitten or scratched (exposed) dog or cat may be immediately destroyed, with the owner's consent, or as a last resort, if the cat or dog cannot be captured.

b. If the owner is unwilling to destroy the bitten

or scratched (exposed) dog or cat, strict isolation of the dog or cat in a kennel under veterinary supervision for a minimum of 180 days, and compliance with the vaccination requirement of Subsection 95.21(5)(c), Wisconsin Statutes, shall be required.

2. If the bitten or scratched (exposed) dog or cat is vaccinated in accordance with the provision of **Section B.** of this Ordinance, the dog or cat shall be handled as follows:

a. Immediately revaccinated and confined for a period of sixty (60) days following revaccination; or,

b. If the dog or cat is not immediately revaccinated, the dog or cat shall be confined in strict isolation in a kennel for six (6) months under the supervision of a veterinarian; or,

c. The dog or cat shall be destroyed if the owner does not comply with item a. or b. of this **Subsection 2.**

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H. Impoundment of Dogs Without a Valid Rabies Vaccination Tag.

1. Any dog found off the owner's premises and not wearing a valid rabies vaccination tag shall be impounded. All impounded dogs shall be given proper care and maintenance. Each impounded dog shall be kept and maintained at the pound in accordance with **§14.01**.

2. Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated dog or cat may be reclaimed by its owners during the period of impoundment by payment of prescribed pound fees and complying with rabies vaccination requirement of this Ordinance within seventy-two (72) hours of release. Any vaccinated dog impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

I. Enforcement.

1. The Administrator, and his designees, shall be responsible for the enforcement of the provisions of this Section. The Humane Officer, his assistants, and all members of the Police Department, shall make themselves available to and follow the directions of the Health Administrator, or his designees to enforce this Section.

2. Upon a proper showing to the Administrator that a scratch of a natural person by an animal poses no threat of rabies to the person scratched due to the nature of the scratch, the Administrator may, upon a written finding, exempt the owner from the provisions of **§14.07 F.**, except that the animal may not be destroyed for a period of not less than fourteen (14) days after the scratch was inflicted.

3. The Administrator is authorized to prepare and promulgate such forms as are necessary for the administration of **§14.07**, and is authorized to designate such persons as he/she deems appropriate to enforce **§14.07**. The Administrator shall be responsible for making any payments under **§14.07 F.11.**

K. Licensing. Effective April 15, 2007, in the City of Kenosha every dog five (5) months of age and older shall be licensed only upon proof of rabies vaccination in accordance with provisions of **§14.07 B**.

14.075 VICIOUS ANIMALS

A. Definitions.

1. "VICIOUS ANIMAL" shall mean:

a. Any animal that, when unprovoked, inflicts bites, injures, kills, damages or attacks a human being or domestic animal on either public or private property;

b. Any animal that has a propensity, tendency or disposition, known to the owner thereof, to attack, without provocation, in a manner which may cause death, injury, damage or which may otherwise endanger the safety of any human being or domestic animal; or,

c. Any animal trained or used for fighting against another animal.

Notwithstanding the definition of a "Vicious Animal" above, no animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such was sustained, was committing a criminal trespass upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime or violating or attempting to violate an Ordinance which protects person or property.

No animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing, or assaulting the animal.

No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

No dog may be declared vicious for acts

committed by said dog while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

2. "PUBLIC PROPERTY" shall mean any property owned or controlled by any unit of government and open to the public, including streets, highways, sidewalks, right-of-ways, public ways and malls.

3. "OWNER" shall include any person who may own, possess, harbor, keep or maintain a "Vicious Animal".

B. Prohibition. No person shall own, possess, harbor, keep or maintain a "Vicious Animal" within the City of Kenosha, Wisconsin. Vicious Animals previously licensed within the City of Kenosha shall be removed from the City of Kenosha at the conclusion of the licensing period, and the location where said animal will be kept, harbored or maintained shall be disclosed to the Kenosha County Health Department.

C. Impoundment and Destruction. A "Vicious Animal" which is owned, possessed, harbored, kept or maintained in violation of this Ordinance may be impounded and destroyed by the City, or its agents at the expense of the owner, following notice and an opportunity to be heard by the Health Administrator. Any person or party aggrieved by such decision of the Health Administrator may appeal such decision to the Common Council by filing a written notice of appeal with the City Clerk/Treasurer within five (5) City business days of receipt of a written order from the Health Administrator. The "Vicious Animal" shall be impounded, but not destroyed, until the time for appeal has expired and until any timely appeal has been heard. A "Vicious Animal" shall not be released without identifying the location where said "Vicious Animal" will be kept upon release. The City elects not to be bound by Chapter 68, Wisconsin Statutes, with respect to administrative procedure.

D. Sale Or Transfer Of Possession.

a. No person may sell or transfer possession of a "Vicious Animal" to another person without first notifying the person to whom the "Vicious Animal" is being sold or transferred, of the fact that such is a "Vicious Animal", and of any requirements imposed upon the selling or transferring party by this Ordinance.

b. No person may sell or transfer possession of a "Vicious Animal" to another person without first notifying the City Clerk thereof, in writing, at least three (3) days in advance of the sale or transfer of possession.

E. Separate Offense. Each day of violation of any provision of this Ordinance and each violation of each provision of this Ordinance shall be deemed a separate offense.

14.076 ENFORCEMENT OF CHAPTER XIV AND CERTAIN STATE STATUTES

A. Statutes Incorporated By Reference. The following Wisconsin Statutes are incorporated herein by reference: Section 95.21, Chapter 173, Chapter 174, and Chapter 951.

B. Humane Officers; Appointment. The Common Council may appoint City employees or independent contractors or officers or employees of an independent contractor as Humane Officers under Section 173.03, Wisconsin Statutes, to perform Animal Control Services for the City.

C. Abatement of Violations Under Section 173.11, Wisconsin Statutes.

1. Issuance of Order. If a Humane Officer or law enforcement officer, after investigation, has reasonable grounds to believe that a violation of a Statute or Ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the Humane Officer or law enforcement officer may issue and serve an Order of Abatement directed to named persons. An official designated under **Subsection 3.** to hold a hearing may not participate in the decision to issue the order or in any activity leading to that decision.

2. Content of Order. An Abatement Order issued under **Subsection 1.** shall contain all of the following:

(a) The name and address of the person to whom directed.

(b) The statute or ordinance alleged to be violated.

(c) A prohibition on further violations.

(d) A description of measures necessary to correct the alleged violation.

(e) A description of the hearing and appeal provisions under **Subsections 3.** and **4**.

3. Hearing. Any person named in an Abatement Order issued under **Subsection 1.** may, within the ten (10) day period following service of the order, request a hearing before a Captain of the City of Kenosha Police Department by filing a request for hearing with the City of Kenosha Police Department at the Public Safety Building. The hearing shall be held within ten (10) days after the request is made, unless the requestor agrees to a later date. The hearing shall be informal in nature.

4. Decision. Within ten (10) days after a hearing under **Subsection 3.**, the official who conducts the hearing shall affirm the order, modify and affirm the order, or withdraw the order.

5. Appeal. Any person adversely affected by a decision under **Subsection 4.** May seek judicial review by commencing an action in Circuit Court within thirty (30) days after the day that the decision is issued.

14.08 PENALTIES

1. Any person violating **§14.01 A.**, shall forfeit Thirty ($30.00) Dollars, together with the costs of the action, and in default of the payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

2. Any person violating **§14.01 C.** shall forfeit not less than Fifty ($50.00) Dollars nor more than Two Hundred ($200.00) Dollars, together with the costs of the action, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

3. Any person convicted of violating **§14.01 D. 1.** or **§14.01 D. 3.** shall forfeit not more than Two Hundred ($200) Dollars, together with the costs of the action, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

4. Any person violating **§14.02** shall forfeit One Hundred ($100.00) Dollars, together with the costs of the action, and in default of the payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

5. Any person violating **§14.03** shall forfeit Fifty ($50.00) Dollars, together with the costs of the action, and in default of the payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

6. Any person violating **§14.04** or **§14.05** shall forfeit One Hundred ($100.00) Dollars, together with the costs of the action, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

7. Any person violating **§14.055** shall forfeit not less than One Hundred ($100.00) Dollars nor more than Five Hundred ($500.00) Dollars, together with the costs of the action, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

8.a. Any person violating **§14.07 B.** shall forfeit Fifty ($50.00) Dollars, together with the costs of the action, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

b. Any person violating **§§14.07 F. 1., 14.07 F. 5., 14.07 F. 8.** or **14.07 F.10.**, shall forfeit not less than Two Hundred ($200.00) Dollars, nor more than Five Hundred ($500.00) Dollars, together with the costs of the action, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

9. Any person violating **§14.013** or **14.014** of this Chapter or any other provision of Chapter 14 for which there is no separately listed penalty, shall, upon conviction thereof, forfeit not more than One Hundred ($100) Dollars, plus the costs of prosecution, and in default of such payment of forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

10. Any person who violates any provision of **§14.075** of this Chapter shall, upon conviction forfeit not more than Five Hundred ($500) Dollars plus the cost of prosecution and, in default of the timely payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

11. Any person who violates **§14.06 A.** shall, upon conviction, forfeit not more than Five Hundred ($500.00) Dollars, plus the costs of prosecution; and, in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

12. Any person who violates **Section 14.076** of this Chapter or Section 95.21, Chapter 173, Chapter 174, or Chapter 951, Wisconsin Statutes, shall, upon conviction, forfeit not more than Five Hundred ($500.00) Dollars, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

14.09 ENFORCEMENT

The provisions of this Chapter, except as otherwise provided, shall be enforced by the Humane Agent, Chief of Police and his designees and the Administrator and his designees.

14.10 SEVERABILITY

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.